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## THE HOUSE OF REPRESENTATIVES AND THE HOUSE OF COMMONS.

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THE one factor in the American government that is subjected to more adverse criticism than all others combined is the House of Representatives. It is perhaps less honored in its own country than in any other, and this because the American public have never taken the trouble to understand its processes. Two foreigners, De Tocqueville, in his *Democracy in America*, and Professor Bryce, in his *American Commonwealth*, have treated of our House of Representatives and its methods with distinguished ability, and each has shown it quite as much favor as could have been expected. The ablest American work dealing philosophically with the subject is Prof. Woodrow Wilson's *Congressional Government*. The conclusions reached by the author seem to have been reasoned out in a spirit of fairness and impartiality, but they are very unsatisfactory to one who understands that the House, as we familiarly call it, must continue to be very much what it is now so long as our constitution of government remains as it is. It is limited by the law of its being, and nearly every serious objection urged against its methods by its critics grows out of organic causes.

It becomes, therefore, a matter of grave concern to inquire whether the criticisms of this body so generally indulged in are

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well founded. Professor Wilson naturally compares it with its far-away prototype, the British House of Commons. He points out that the fundamental difference between the two is that the House of Commons is governed by a ministry, one compact body, and the American House by many committees; that from this it follows that under one system the rules are less complicated than under the other; that leadership in the one house is in one man, while it is divided in the other; that there is more of open debate in the English House of Commons and of interest in its proceedings than in the House of Representatives and its proceedings; and that the legislation of any one session is likely to be more harmonious and shapely as a whole in the former than in the latter: but it is not a necessary conclusion from these premises, as Professor Wilson would seem to think, that the English is the better legislative system; or that, because responsibility in our House is divided among a number of leaders, the party dominant there at the time is not sufficiently amenable to the people; or that the House of Representatives is not as responsive as it should be to public opinion; or that the laws it passes are not as fairly considered and as well adapted to their purposes as the English laws.

The practice that has contributed more than any other one cause to bring the House of Representatives into disrepute is filibustering, blocking the way of legislation by interposing dilatory motions, refusing to vote, and other parliamentary devices. There have been occasions when obstructive tactics were resorted to with advantage to the country, notably in the Forty-third Congress, when the minority was thus enabled to defeat the Force Bill. This feat was considered remarkable at the time, and tended greatly to commend the practice to the party that had profited by it, the Democracy. If appealed to only for the purpose of defeating a measure like the Force Bill, to the end that the country might pass directly upon it at the next election, or, if resorted to now and then, for a short time, to call attention to some peculiarly obnoxious measure, filibustering might be considered as having a legitimate place in parliamentary tactics, and would no doubt continue to exist; but the misfortune is that this weapon is within the reach of any member, and it has been so often used without discretion that the best sentiment of the country now condemns it in unmistakable terms.

In the Fifty-first Congress the Republicans, having control

of the House, to make up a quorum adopted the method of counting those who were present and refused to vote. As there was no precedent for this in the practices of the House, the Democrats naturally arrayed themselves against the new rule, and the contention over it was very bitter. The Supreme Court, however, has decided that the House, under the power to make its own rules, had the right to adopt this method, and it may therefore be safely affirmed that this rule or something like it will always obtain when the Republicans may be in control. This being so, it seems to follow that the Democratic party will be driven to the adoption of some similar rule, safe-guarded, perhaps, so as to prevent mistakes, which appeared to be unavoidable under the rule of the Fifty-second Congress. Either this must be done or some equally efficient method devised. No political party can afford to yield to its opponent permanently so great an advantage as the Republicans could claim if they, and they alone, could count their opponents to make up a quorum. That the Democrats are fully alive to the necessity of adopting methods that will enable them to despatch business is apparent, from the practice of the present House in bringing in hard-and-fast rules, limiting discussion, cutting off the right to amend and fixing the hour for votes. The large majority the dominant party has in the present House renders it possible for it now at the expense of considerable inconvenience, to proceed without counting the Republicans, who sometimes sit still and refuse to vote, but in future Congresses, whenever it becomes absolutely necessary, and the Democrats cannot count a quorum of their own, they will, it is believed, "count the quorum furnished by the voters."

The evils coming from obstructive tactics are not, however, peculiar to and do not grow out of our system of committee government. The British House of Commons has had its own obstructionists, and was at last, after many trying experiences, driven quite unwillingly to the adoption of rules that enable the majority to close debate and reach a vote. No political party with a majority in a legislative body can live if it allows its opponents to tie its hands, and this country need have no fear that, in the future, either of the two great parties will fail to do the business intrusted to it by the country according to the terms of its commission.

It is not possible to frame an excuse that would justify filibustering as it has been practised in latter years, but it is easy to show why it was so long tolerated. Twenty, and even ten years ago, the Democratic and Republican parties so profoundly distrusted each other that each was afraid to smooth for the other the pathway to easy legislation. The Republicans feared that some political revolution might "wipe away war legislation" including the tariff, and Democrats feared a more sweeping reconstruction law. It must be confessed also that there were Democrats, high in the councils of the party, who were not without their own anxieties lest, in some tidal wave, the high tariff might go. For these reasons "rights of minorities" were for many years sedulously cared for in the rules. More recently we have had to face the other question, "What are the rights of the majority?"

The reasons why the debates in the American House are not as fully reported and as keenly followed by the public as those of the House of Commons, and why the party in power in the House of Representatives has not and never can have any great leader who represents the government in every measure and upon whom all eyes are centred as they now are upon Gladstone or as they have been upon Disraeli or Charles James Fox or William Pitt, are fundamental. "The Government," as in England they call the Ministry, with the Prime Minister as chief, sits in the House of Commons; it matures and offers all important bills, and upon the success or failure of these it must stand or fall. Upon any signal defeat it goes out of power, and so every debate in the House of Commons is watched with somewhat of that lively interest with which, in America, we follow the progress of a presidential election. With us the defeat of a particular bill means simply the defeat of that measure. The consequences, whatever they may be to the party in power, are not immediate. The people have selected their officials for fixed terms. They have reserved to themselves the power, at the next elections, to vote upon the whole record made by a party, "confidence" or "want of confidence," and they are not watching to see what new "government" Congress is to give them. The Executive and Congress are, under our Constitution, so distinct and separate that there is nothing to bind them together in the maintenance of a common policy except allegiance to a common party. The power of these ties is, or ought to be, great, as there is not

much hope for the future success of a party if its legislators and its executive are at odds with each other ; but this is all there is of it.

In the English House of Commons executive officers are present to answer questions, to explain their policies and to defend them. With us, as no executive officer can sit or vote or speak, either in the Senate or the House, the President must rely upon his party friends to defend his acts. From the nature of things he cannot have any one man, either in the House or the Senate, to defend him at all times and on all questions. Attacks upon the administration are made without warning. The constant effort is to surprise. If the assault is upon the dealings of the government with the Indians, as a rule, members of the Committee on Indian Affairs, who have the necessary information, come to his rescue ; if on the management of the navy, the Naval Committee, or, on matters relating to the army, the Military Committee, must defend him. In England the Ministry sitting in the House of Commons, fully equipped to explain their policies, and having upon their shoulders the affirmative of every great issue, are represented by the Premier or some other of their number. Under such a system a great government leader on the floor of debate is not only possible, but he is a necessity ; but with us such a leader cannot exist. No single member can be like an English minister, *caligatus omnia*. Presidents have generally had special friends on the floor of the House, and quite often some prominent member has been known as the mouthpiece of the Executive, speaking his sentiments, now and then, with more or less of authority ; but a leader in the English sense, such a leader as our public prints and even our public men are often found deploring the need of, the parliamentary history of our country does not mention. Henry Clay was a great leader on the floor of the House, but he was not a government mouthpiece. Thad Stevens was a leader in the stirring times of the Civil War, and still more during the days of reconstruction, but he only stood for a leader on one idea at a time—on the prosecution of the war while it lasted, and on granting suffrage to the negro in the days of reconstruction. He was never known during the war as the special representative of the President, and in his reconstruction measures he boldly trampled under foot the policy that Mr. Lincoln

had formulated and President Johnson was endeavoring to execute.

A minority leader, however, in the House of Representatives is possible within limits. It is not difficult to unite members who are animated by a common desire to turn a party out of power—and we need not go far to seek in our history for opposition leaders. Mr. Randall, although he was out of sympathy with the majority of his party on the great question of the tariff, was nevertheless, for a time, the acknowledged leader of the Democrats in opposition; and Mr. Reed was the undoubted leader of the Republicans from 1885 to 1889. But except the Speaker, Mr. Cleveland during his first administration had no friend on the floor upon whom he could look as leader of the House; and Mr. Harrison certainly was in no better plight.

Bills, before they are put upon their passage, especially those that deal with the great questions of taxation and appropriations, must be formulated after careful study and preparation. This work “the Government” does for the House of Commons, most of it during the recess of Parliament, and this body can therefore get itself down to the work of legislating almost immediately after it comes together. The House of Representatives must formulate its own bills, and this it can only do through committees. When Congress convenes and the House elects its speaker, he sets himself to the task of dividing it into fifty-six standing and select committees. This requires time. When committees are organized, they must perfect and report upon the bills or subjects referred to them, and this requires still more time. Government reports are to be read, witnesses examined, figures studied and compared, information to be acquired from the departments, and then the form and nature of the reports and bills are to be decided upon. As a rule to which there are few exceptions, the members of the great committees labor with unremitting zeal and fidelity. Duty impels them, and they know, too, the temper of the public. If, for example, a majority has been elected to increase subsidies, every subsidy-seeker knows just what he wants and he fails to see why Congress does not give it and go home. If on the other hand the majority chosen favors a reduction of taxation, one portion of the public is importunate for immediate relief, while the other is shouting through the press that Congress is depressing business by “tinkering with

the tariff." Nobody understands this impatience better than a member of the House, who ordinarily has, in the necessity of looking after his own interests, business and political, at home, still another incentive to haste. There are several well-known instances of members breaking down, some of them dying outright from overwork, as did Haskell, of Kansas, Burnes, of Missouri, and probably Randall, of Pennsylvania; but the work of such men is done in the privacy of the committee-room, and while it is going on the public is usually clamoring about the delays in legislation.

Inasmuch as in England the Ministry prepares every important bill, the claim made by Englishmen may be true that the laws passed at any one session are more harmonious and consistent than they can be without any common supervision. In the earlier days of the republic, when the legislation of Congress was confined within narrow limits, our own laws had, in a great measure, such supervision. One committee, the Ways and Means, had jurisdiction over all questions of finance, taxation, and appropriation, but now no single committee could possibly perform all this work. The interests embraced in the legislation of Congress have multiplied even more rapidly than population, and the jurisdiction originally exercised by the Ways and Means Committee has been distributed among many other committees.

In England the majority represented by the Ministry ask no counsel of the minority in framing bills. The minority never see the bills until reported and ready for the action of the House of Commons. With us the minority is fairly represented on every committee. The speaker, partisan though he be, is expected to act with the utmost impartiality in apportioning the opposition to all the greater standing committees, and, as a matter of fact, having no friends among them to whom he is indebted for his seat, he is generally more just to the opposition in the make-up of committees than he is to his own party. One single case is remembered of a speaker who was said and believed to have told his friends that he had put the opposition where they could do the least possible harm. That speaker was a failure; this treatment of his political opponents was his first stumbling-block.

The speaker is the real party leader, upon whom, if they be of the same party, the executive must rely. The powers he may exercise to advance or retard legislation are in many respects au-



ocratic ; yet if he is to measure up to the full height of his great office he must not transcend the authority vested in him by the rules and the usages of the House. This his party does not expect or demand. In the Forty-ninth Congress the Republicans of the House presented to the Democratic speaker at the close of the session a silver service, in testimony of their appreciation of his fairness and ability, and yet no presiding officer was ever more acceptable to his party than Mr. Carlisle.

In our important committees not only all parties, but, as far as practicable, all sections of the Union are represented, and ample scope is given to debate. Does this system operate as a check on bad legislation ? Theory and doubtless all experienced members of the House would say that such is its tendency, although no one could be found to contend that any mere system can be relied on to always produce wise laws.

Professor Wilson, however, seems to think that this system is responsible for most of our vicious legislation. He mentions the "manufacturers who cultivate the favor of the Committee of Ways and Means, the interested persons who walk attendance on the Committee of Rivers and Harbors, and the mail contractors who court the Committee on Appropriations." If the charges he makes are well grounded, they go to the very foundations of our government, for it is not perceived how the House as an independent body can frame and perfect bills without the intervention of committees of some sort. Suppose the present system of many committees, working during the session, to be abandoned and one grand committee formed, having all the powers now exercised by the British Ministry, still such committee, whenever and wherever it might sit, would be subject to the solicitations of the lobby. Under any conceivable method interested persons may "cultivate the favor" of those who are framing bills. Subsidists pool their issues, get their jobs all, as far as practicable, into one bill, and force this through by their combined strength. This the people only can prevent. It would be useless for a committee of the House to report a high-tariff bill if the majority on the floor were unwilling to pass it, and it would be folly to enact it into law if it could not be sustained at the polls. As a rule tariff bills have been debated at greater length before the House, and discussed more fully before the people, than any other class of legislation. If high-tariff and

other subsidy laws be vicious, the responsibility for their enactment does not lie at the door of the committee system. The combinations now made to pass bills of this character would be made all the same whatever our system might be. Everybody knows that the people of the United States could not be induced to favor at the polls one industry, or even several, at the expense of others, and that those seeking class legislation must unite in their demand every possible interest. It matters not, therefore, when or where or by whom a tariff bill may be framed : there and then will be found every subsidy-seeker asking to be let into the combine, and if he can command votes at the polls he will be admitted, provided only that the party favoring subsidies be then in control. The remedy for evils such as these is to be sought at the hands of the people.

It is not intended in this article to assert that the committee system is perfect, but only to maintain that under our form of government the House of Representatives must necessarily have committees of its own members to prepare legislation, and that the system at present existing is not subject to the grave objections urged against it. It is true that members may trust committees too implicitly, but the same objection would seem to lie against a system of parliamentary government where the ministry must be followed implicitly in every important measure, the penalty of a defeat of the government, in every such case, being the immediate loss of every seat and another appeal to elections.

In one respect the House of Commons always appears to advantage when compared with the House of Representatives. The spectator, looking in upon the latter, sees a desk before each member, and unless upon occasions of extraordinary interest he finds perhaps a majority engaged in writing letters, reading newspapers, clapping for pages, etc., and he is quite likely to go away with the impression that Representatives generally do not know or care what is being done, whereas in the House of Commons there are no desks, no reading, or writing, or clapping for pages—only those are present who wish to listen. The advantage, however, is not so great as it appears to be. Under both systems members who have not heard the debate are on hand, when a division comes, to vote with their parties, and certainly those who have been brought by a “whip” into the House of Commons are no better prepared to vote intelligently than those who, in our House,

have been sitting by, listening perhaps to the debate by snatches. The truth is not to be ignored that, whatever be the system and however large may be the legislative body, a few men will control the business. In the House of Commons one committee—the Ministry—controls everything. With us the several great committees control in turn.

The American practice of having desks and permitting members to read and write was defensible before Representatives voted themselves clerks, as they very properly did in the last Congress, as it was impossible for them to do their necessary correspondence without utilizing the hours of the session. Now it is hoped that in the near future desks will be removed, as nothing detracts so much from the respect the public ought to entertain for the House as the ragged appearance it ordinarily presents to the visitor.

The charge is also made that the House of Representatives is not sufficiently responsive to the demands of the people. The real grievance seems to be that individual members are too sensitive to what they imagine to be the demands of their immediate constituencies. They are generally too apprehensive that they may not please everybody, and rather than incur displeasure they abandon, now and then, the principles of the party which elevated them and rely upon their party friends at home to excuse the defection in that instance, because the lapse was in favor of some local interest. Here again the remedy is with the voters. The committee system is not at fault.

One undeniable advantage of our committee system is that it brings members of opposing parties and different sections into close personal relations with each other. The extent of population and territory, the variety of climate and products, with the geographical distribution of our industries result in a constant clash of interests. It certainly is desirable that those who are to reconcile these interests should be able to attribute to each other, where they exist, the virtues of patriotism and integrity, and every experienced member knows that mutual respect and confidence are a common, and warm friendship between men of opposing parties and from different sections a not uncommon, result of joint service on committees.

There has been a remarkable reaction from the estrangement and bitterness caused by the Civil War. The writer remembers

to have heard a Republican member from the far West, some years ago, express his astonishment that his Democratic friend from the South should say a kind thing about Abraham Lincoln on the floor of the House, and "let it stand that way in the *Record*." Another newly elected Republican member went up one day and introduced himself to a Southern Democrat with the remark that he was anxious to know the ex-Confederate "who was patriotic enough to vote an appropriation for continuing the monument to the Father of His Country." "Oh!" replied the Southerner, "I never go back on a slaveholder and a rebel like George Washington." The retort was not courteous, but the ex-Confederate was nettled at the imputation on the patriotism of his section.

The distrust of those days has passed away, and at this writing there is more of kindly and generous feeling and mutual confidence and less of ill-will between the members of the two great parties in Congress than at any other period within the last fifty years. This is attributable largely to joint service on committees. Such progress could not have been made if the two great parties had been constantly pitted against each other in debate only from opposite sides of the House under a parliamentary system like that prevailing in the British House of Commons. Quite a number of men on both sides of the aisle can now be pointed to who by long and continuous service have thoroughly established themselves in the confidence of the House. These men divide leadership in their respective parties among them. They are not all chairmen, or even first on the minority side of committees, though most of them are. When a chairman and his committee once get the confidence of the House, their bills, if they have no partisan edge to them, usually pass with little debate. The chairman who, in the familiar language of the House, means "business" and not "Buncombe" wisely commends himself to his fellow-members by not taking up the time of the House with unnecessary discussion. Thus it happens that the most useful and influential men are frequently not the most famous. There are many constituencies in the United States who never have a chairman or a representative of influence in the House, for the reason that they are continually changing their members. They seem to utterly ignore the value of experience, which to a member of ability and character always gives knowledge and power.

An incident occurring in the House near the close of the last session of the Fifty-second Congress furnishes a striking illustration, not only of the value of long service in that body and of the kindly feeling now existing there between parties, but also of the influence a broad-minded member can acquire, and the confidence with which his political opponents may come to regard him. It may also serve to show how it is that important bills often pass without much, and sometimes without any, debate. On February 4, 1893, Mr. Blount, of Georgia, who was about voluntarily to retire from the House after twenty years of continuous service, had just moved to report the Diplomatic Appropriation Bill from the Committee of the Whole, when Mr. Holman, Democrat, of Indiana, rose and complimented him on "having brought into the House a very important appropriation bill, which was so perfect in all its details as to receive the unanimous approval of this Committee of the Whole House." Among many other complimentary things Mr. Holman said:

"The House has become accustomed to pass bills reported by him with out controversy. It must be gratifying to my distinguished friend to know that it is taken for granted that a bill reported by him has undergone the severest scrutiny in every detail, and that no consideration whatever has been taken into account except the interests of the public service."

At the conclusion of Mr. Holman's speech Mr. Hitt, the leading Republican upon the Foreign Affairs Committee, and who had served ten years in the House with Mr. Blount, arose and "heartily joining" with Mr. Holman "in every word he has said in testimony of the personal worth, of the high character, of the industry, of the energy, of the honorable gentleman from Georgia," added:

"I will mark most of all that patriotism above party that inspired him in the House when last year, leading a great committee charged to consider the affairs and interests, not of a party, but of a whole nation, embroiled in sharp dispute with a foreign power, he rose with the occasion and proved himself first and altogether a patriot, an American, so that a foreigner, looking down from the gallery upon this hall, could never have told whether he was a Republican or a Democrat, but would have known that he was in every fiber an American."

Mr. Hitt was alluding to the fact that Mr. Blount had supported President Harrison's Chilean policy. He was followed by Mr. O'Neill, the oldest Republican in the House, and by other members in the same line, and every speaker was greeted by loud applause from all quarters of the House.

When President Cleveland desired to know the exact truth about the Hawaiian affair, he selected Mr. Blount as his special agent to Honolulu.

No portion of the government can claim exemption from the severest criticism, but so much ridicule has been levelled by the press at the *personnel* of the House of Representatives, and so many insinuations are constantly indulged in against the habits and integrity of its members, that every newly elected representative on coming into that body within recent years must have confessed to himself a feeling of profound surprise at what he has seen. He has heard much of corruption, but he sees no evidences of its existence. Possibly among so many there may be some who are corrupt, but the body, as a whole, may challenge comparison for integrity and fidelity with any in the world; he has heard of dissipation, but he finds that, with very few exceptions, the members are remarkable for sobriety and steady habits; and what surprises him most of all is the average ability and range of information possessed by those who surround him.

The career of many a member is a disappointment to himself and his friends. The surroundings are not what he and they expected. Accustomed at home to the homage of his friends, he thinks to be easily a leader in the House. He finds himself there surrounded by the most critical audience in the world. On whatever subject he would speak, some of his audience are more thoroughly informed than he, and it may be he never speaks at all. Of course it must be understood, all the time, that there are many exceptions to every general statement of this character, but a careful scrutiny of the *personnel* of the House, as it has existed for some years past, is sufficient proof that, as a rule, the people of a Congressional district do not send a Representative to Congress unless there be something about him, either ability, courage, high character, or other attractive quality, to commend him to their support. Taken altogether there can be no better guaranty of the capacity of the people of the United States for self-government than the character of the men they send to Washington to make their laws. The people who elect these men differ widely in their politics, but they are of one mind in intending, as they show by the selection of their Representatives, that this country shall be great and free and prosperous. And so it is to be.

HILARY A. HERBERT.